

ASSEMBLY, No. 1204

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

SYNOPSIS

Makes various changes to reporting requirements for independent expenditure committees.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning campaign finance disclosures and amending
2 P.L.1973, c.83, P.L.1993, c.65, and P.L.1995, c.391.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. Section 3 of P.L.1973, c.83 (C.19:44A-3) is amended to read
8 as follows:

9 3. As used in this act, unless a different meaning clearly
10 appears from the context:

11 a. (Deleted by amendment, P.L.1993, c.65.)

12 b. (Deleted by amendment, P.L.1993, c.65.)

13 c. The term "candidate" means: (1) an individual seeking
14 election to a public office of the State or of a county, municipality
15 or school district at an election; except that the term shall not
16 include an individual seeking party office; (2) an individual who
17 shall have been elected or failed of election to an office, other than
18 a party office, for which he sought election and who receives
19 contributions and makes expenditures for any of the purposes
20 authorized by section 17 of P.L.1993, c.65 (C.19:44A-11.2) during
21 the period of his service in that office; and (3) an individual who
22 has received funds or other benefits or has made payments solely
23 for the purpose of determining whether the individual should
24 become a candidate as defined in paragraphs (1) and (2) of this
25 subsection.

26 d. The terms "contributions" and "expenditures" include all
27 loans and transfers of money or other thing of value to or by any
28 candidate, candidate committee, joint candidates committee,
29 political committee, continuing political committee, independent
30 expenditure committee, political party committee or legislative
31 leadership committee, and all pledges or other commitments or
32 assumptions of liability to make any such transfer; and for purposes
33 of reports required under the provisions of this act shall be deemed
34 to have been made upon the date when such commitment is made or
35 liability assumed.

36 e. The term "election" means any election described in section
37 4 of this act.

38 f. The term "paid personal services" means personal, clerical,
39 administrative or professional services of every kind and nature
40 including, without limitation, public relations, research, legal,
41 canvassing, telephone, speech writing or other such services,
42 performed other than on a voluntary basis, the salary, cost or
43 consideration for which is paid, borne or provided by someone
44 other than the committee, candidate or organization for whom such
45 services are rendered. In determining the value, for the purpose of

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 reports required under this act, of contributions made in the form of
2 paid personal services, the person contributing such services shall
3 furnish to the treasurer through whom such contribution is made a
4 statement setting forth the actual amount of compensation paid by
5 said contributor to the individuals actually performing said services
6 for the performance thereof. But if any individual or individuals
7 actually performing such services also performed for the contributor
8 other services during the same period, and the manner of payment
9 was such that payment for the services contributed cannot readily
10 be segregated from contemporary payment for the other services,
11 the contributor shall in his statement to the treasurer so state and
12 shall either (1) set forth his best estimate of the dollar amount of
13 payment to each such individual which is attributable to the
14 contribution of his paid personal services, and shall certify the
15 substantial accuracy of the same, or (2) if unable to determine such
16 amount with sufficient accuracy, set forth the total compensation
17 paid by him to each such individual for the period of time during
18 which the services contributed by him were performed. If any
19 candidate is a holder of public office to whom there is attached or
20 assigned, by virtue of said office, any aide or aides whose services
21 are of a personal or confidential nature in assisting him to carry out
22 the duties of said office, and whose salary or other compensation is
23 paid in whole or part out of public funds, the services of such aide
24 or aides which are paid for out of public funds shall be for public
25 purposes only; but they may contribute their personal services, on a
26 voluntary basis, to such candidate for election campaign purposes.

27 g. (Deleted by amendment, P.L.1983, c.579.)

28 h. The term "political information" means any statement
29 including, but not limited to, press releases, pamphlets, newsletters,
30 advertisements, flyers, form letters, Internet or digital
31 advertisements, or radio or television programs or advertisements
32 which reflects the opinion of the members of the organization on
33 any candidate or candidates for public office, on any public
34 question, or which contains facts on any such candidate, or public
35 question whether or not such facts are within the personal
36 knowledge of members of the organization.

37 i. The term "political committee" means any two or more
38 persons acting jointly, or any corporation, partnership, or any other
39 incorporated or unincorporated association which is organized to, or
40 does, aid or promote the nomination, election or defeat of any
41 candidate or candidates for public office, or which is organized to,
42 or does, aid or promote the passage or defeat of a public question in
43 any election, if the persons, corporation, partnership or incorporated
44 or unincorporated association raises or expends \$2,400 or more to
45 so aid or promote the nomination, election or defeat of a candidate
46 or candidates or the passage or defeat of a public question; provided
47 that for the purposes of this act, the term "political committee" shall
48 not include a "continuing political committee," as defined by

1 subsection n. of this section, a "political party committee," as
2 defined by subsection p. of this section, a "candidate committee," as
3 defined by subsection q. of this section, a "joint candidates
4 committee," as defined by subsection r. of this section, a
5 "legislative leadership committee," as defined by subsection s. of
6 this section, or an "independent expenditure committee," as defined
7 by subsection t. of this section.

8 j. The term "public solicitation" means any activity by or on
9 behalf of any candidate, political committee, continuing political
10 committee, candidate committee, joint candidates committee,
11 legislative leadership committee, independent expenditure
12 committee, or political party committee whereby either (1)
13 members of the general public are personally solicited for cash
14 contributions not exceeding \$20.00 from each person so solicited
15 and contributed on the spot by the person so solicited to a person
16 soliciting or through a receptacle provided for the purpose of
17 depositing contributions, or (2) members of the general public are
18 personally solicited for the purchase of items having some tangible
19 value as merchandise, at a price not exceeding \$20.00 per item,
20 which price is paid on the spot in cash by the person so solicited to
21 the person so soliciting, when the net proceeds of such solicitation
22 are to be used by or on behalf of such candidate, political
23 committee, continuing political committee, candidate committee,
24 joint candidates committee, legislative leadership committee,
25 independent expenditure committee, or political party committee.

26 k. The term "testimonial affair" means an affair of any kind or
27 nature including, without limitation, cocktail parties, breakfasts,
28 luncheons, dinners, dances, picnics or similar affairs directly or
29 indirectly intended to raise campaign funds in behalf of a person
30 who holds, or who is or was a candidate for nomination or election
31 to a public office in this State, or directly or indirectly intended to
32 raise funds in behalf of any political party committee or in behalf of
33 a political committee, continuing political committee, candidate
34 committee, joint candidates committee, independent expenditure
35 committee, or legislative leadership committee.

36 l. The term "other thing of value" means any item of real or
37 personal property, tangible or intangible, but shall not be deemed to
38 include personal services other than paid personal services.

39 m. The term "qualified candidate" means:

40 (1) Joint candidates for election to the offices of Governor and
41 Lieutenant Governor whose names appear on the general election
42 ballot; who have deposited and expended \$150,000.00 pursuant to
43 section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than
44 September 1 preceding a general election in which the offices of
45 Governor and Lieutenant Governor are to be filled, (a) notify the
46 Election Law Enforcement Commission in writing that the
47 candidates intend that application will be made on the candidates'
48 behalf for monies for general election campaign expenses under

1 subsection b. of section 8 of P.L.1974, c.26 (C.19:44A-33), and (b)
2 sign a statement of agreement, in a form to be prescribed by the
3 commission, to participate in interactive gubernatorial election
4 debates under the provisions of sections 9 through 11 of P.L.1989,
5 c.4 (C.19:44A-45 through C.19:44A-47); or

6 (2) Joint candidates for election to the offices of Governor and
7 Lieutenant Governor whose names do not appear on the general
8 election ballot; who have deposited and expended \$150,000.00
9 pursuant to section 7 of P.L.1974, c.26 (C.19:44A-32); and who,
10 not later than September 1 preceding a general election in which the
11 offices of Governor and Lieutenant Governor are to be filled, (a)
12 notify the Election Law Enforcement Commission in writing that
13 the candidates intend that application will be made on the
14 candidates' behalf for monies for general election campaign
15 expenses under subsection b. of section 8 of P.L.1974, c.26
16 (C.19:44A-33), and (b) sign a statement of agreement, in a form to
17 be prescribed by the commission, to participate in interactive
18 gubernatorial election debates under the provisions of sections 9
19 through 11 of P.L.1989, c.4 (C.19:44A-45 through C.19:44A-47);
20 or

21 (3) Any candidate for nomination for election to the office of
22 Governor whose name appears on the primary election ballot; who
23 has deposited and expended \$150,000.00 pursuant to section 7 of
24 P.L.1974, c.26 (C.19:44A-32); and who, not later than the last day
25 for filing petitions to nominate candidates to be voted upon in a
26 primary election for a general election in which the office of
27 Governor is to be filled, (a) notifies the Election Law Enforcement
28 Commission in writing that the candidate intends that application
29 will be made on the candidate's behalf for monies for primary
30 election campaign expenses under subsection a. of section 8 of
31 P.L.1974, c.26 (C.19:44A-33), and (b) signs a statement of
32 agreement, in a form to be prescribed by the commission, to
33 participate in two interactive gubernatorial primary debates under
34 the provisions of sections 9 through 11 of P.L.1989, c.4 (C.19:44A-
35 45 through C.19:44A-47); or

36 (4) Any candidate for nomination for election to the office of
37 Governor whose name does not appear on the primary election
38 ballot; who has deposited and expended \$150,000.00 pursuant to
39 section 7 of P.L.1974, c.26 (C.19:44A-32); and who, not later than
40 the last day for filing petitions to nominate candidates to be voted
41 upon in a primary election for a general election in which the office
42 of Governor is to be filled, (a) notifies the Election Law
43 Enforcement Commission in writing that the candidate intends that
44 application will be made on the candidate's behalf for monies for
45 primary election campaign expenses under subsection a. of section
46 8 of P.L.1974, c.26 (C.19:44A-33), and (b) signs a statement of
47 agreement, in a form to be prescribed by the commission, to
48 participate in two interactive gubernatorial primary debates under

1 the provisions of sections 9 through 11 of P.L.1989, c.4 (C.19:44A-
2 45 through C.19:44A-47).

3 n. The term "continuing political committee" means any group
4 of two or more persons acting jointly, or any corporation,
5 partnership, or any other incorporated or unincorporated
6 association, including a political club, political action committee,
7 civic association or other organization, which in any calendar year
8 contributes or expects to contribute at least ~~【\$5,500】~~ \$2,500 to the
9 aid or promotion of the candidacy of an individual, or of the
10 candidacies of individuals, for elective public office, or the passage
11 or defeat of a public question or public questions, and which may be
12 expected to make contributions toward such aid or promotion or
13 passage or defeat during a subsequent election, provided that the
14 group, corporation, partnership, association or other organization
15 has been determined to be a continuing political committee under
16 subsection b. of section 8 of P.L.1973, c.83 (C.19:44A-8); provided
17 that for the purposes of this act, the term "continuing political
18 committee" shall not include a "political party committee," as
19 defined by subsection p. of this section, a "legislative leadership
20 committee," as defined by subsection s. of this section, or an
21 "independent expenditure committee," as defined by subsection t. of
22 this section.

23 o. The term "statement of agreement" means a written
24 declaration, by a candidate for nomination for election to the office
25 of Governor, or by joint candidates for election to the offices of
26 Governor and Lieutenant Governor who intend that application will
27 be made on behalf of the candidate for the office of Governor to
28 receive monies for the primary election or on behalf of the
29 candidates for the office of Governor and the office of Lieutenant
30 Governor for general election campaign expenses under subsection
31 a. or subsection b., respectively, of section 8 of P.L.1974, c.26
32 (C.19:44A-33), that the candidates undertake to abide by the terms
33 of any rules established by any private organization sponsoring a
34 gubernatorial primary or general election debate, as appropriate, to
35 be held under the provisions of sections 9 through 11 of P.L.1989,
36 c.4 (C.19:44A-45 through C.19:44A-47) and in which the
37 candidates are to participate. The statement of agreement shall
38 include an acknowledgment of notice to the candidates who sign it
39 that failure on the candidates' part to participate in any of the
40 gubernatorial debates may be cause for the termination of the
41 payment of such monies on the candidates' behalf and for the
42 imposition of liability for the return to the commission of such
43 monies as may previously have been so paid.

44 p. The term "political party committee" means the State
45 committee of a political party, as organized pursuant to R.S.19:5-4,
46 any county committee of a political party, as organized pursuant to
47 R.S.19:5-3, or any municipal committee of a political party, as
48 organized pursuant to R.S.19:5-2.

1 q. The term "candidate committee" means a committee
2 established pursuant to subsection a. of section 9 of P.L.1973, c.83
3 (C.19:44A-9) for the purpose of receiving contributions and making
4 expenditures.

5 r. The term "joint candidates committee" means a committee
6 established pursuant to subsection a. of section 9 of P.L.1973, c.83
7 (C.19:44A-9) by at least two candidates for the same elective public
8 offices in the same election in a legislative district, county,
9 municipality or school district, but not more candidates than the
10 total number of the same elective public offices to be filled in that
11 election, for the purpose of receiving contributions and making
12 expenditures. For the purpose of this subsection: the offices of
13 member of the Senate and members of the General Assembly shall
14 be deemed to be the same elective public offices in a legislative
15 district; the offices of member of the board of chosen freeholders
16 and county executive shall be deemed to be the same elective public
17 offices in a county; and the offices of mayor and member of the
18 municipal governing body shall be deemed to be the same elective
19 public offices in a municipality.

20 s. The term "legislative leadership committee" means a
21 committee established, authorized to be established, or designated
22 by the President of the Senate, the Minority Leader of the Senate,
23 the Speaker of the General Assembly or the Minority Leader of the
24 General Assembly pursuant to section 16 of P.L.1993, c.65
25 (C.19:44A-10.1) for the purpose of receiving contributions and
26 making expenditures.

27 t. The term "independent expenditure committee" means a
28 person organized under section 527 of the federal Internal Revenue
29 Code (26 U.S.C. s.527) or under paragraph (4) of subsection (c) of
30 section 501 of the federal Internal Revenue Code (26 U.S.C. s.501)
31 that does not fall within the definition of any other organization
32 subject to the provisions of P.L.1973, c.83 (C.19:44A-1 et seq.),
33 that engages in influencing or attempting to influence the outcome
34 of any election or the nomination, election, or defeat of any person
35 to any State or local elective public office, or the passage or defeat
36 of any public question, **【legislation, or regulation,】** or in providing
37 political information on any candidate or public question,
38 **【legislation, or regulation,】** and raises or expends \$3,000 or more in
39 the aggregate for any such purpose annually, but does not
40 coordinate its activities with any candidate or political party, as
41 determined by the Election Law Enforcement Commission, or
42 which is restricted by law or regulation with regard to the
43 coordination of its activities with any candidate or political party.
44 The Election Law Enforcement Commission shall determine
45 whether a person, candidate committee, joint candidates committee,
46 continuing political committee, or independent expenditure
47 committee has coordinated its activities with any candidate or

1 political party pursuant to the provisions of section 11 of P.L.2019,
2 c.214 (C.).

3 u. The term “electioneering communication” means any
4 communication **【**made within the period beginning on January 1 of
5 an election year and the date of the election and refers to**】** , for
6 which the direct costs of producing and disseminating exceed
7 \$3,000 in the aggregate during any calendar year, that : (1) refers to
8 (a) a clearly identified candidate for office and promotes or
9 supports a candidate for that office or opposes a candidate for that
10 office, regardless of whether the communication expressly
11 advocates a vote for or against a candidate; or **【(2)】 (b) a public**
12 question and promotes or supports the passage or defeat of that
13 question, regardless of whether the communication expressly
14 advocates a vote for or against the passage of the question ; (2) is
15 made within 60 days before a primary, general, municipal, school,
16 or special election for the office sought by the candidate or, in the
17 case of a public question, is made within 60 days before a primary,
18 general, municipal, school, or special election at which the public
19 question appears on the ballot; and (3) can be received by at least
20 10 percent of the electorate the candidate seeks to represent or, in
21 the case of a public question, can be received by 10 percent of the
22 electorate eligible to vote on the public question. The term includes
23 communications published in any newspaper or periodical;
24 broadcast on radio, television, or the Internet or digital media, or
25 any public address system**【;】**, except a communication appearing in
26 a news story, commentary, or editorial provided that the medium of
27 communication is not owned or controlled by a political party,
28 political committee, or candidate. The term “electioneering
29 communication” also includes communications placed on any
30 billboard, outdoor facility, button, motor vehicle, window display,
31 poster, card, pamphlet, leaflet, flyer, or other circular; or contained
32 in any direct mailing, robotic phone calls, or mass e-mails. The term
33 “electioneering communication” shall not include communications
34 presented in a candidate debate or forum conducted pursuant to
35 regulations adopted by the Election Law Enforcement Commission,
36 or which solely promote the debate or forum and made by or on
37 behalf of a sponsor of the debate or forum, or communications by
38 an organization exclusively to its members, stockholders, or
39 executive or administrative personnel.

40 v. The term “independent expenditure” means an expenditure
41 by a person expressly advocating, or the functional equivalent
42 thereof, the election or defeat of: (1) a clearly identified candidate
43 that is not made in concert or cooperation with or at the request or
44 suggestion of the candidate, the candidate’s committee, a political
45 party committee, or an agent thereof; or (2) a public question **【**,
46 legislation, or regulation,**】** that is not made in concert or
47 cooperation with or at the request or suggestion of the sponsors,

1 organizers, or committee supporting or opposing the question,
2 **【legislation, or regulation,】** a political party, or agents thereof. The
3 “functional equivalent” of expressly advocating means specific
4 advocacy that can be interpreted by a reasonable person as
5 advocating the election or defeat of a candidate, or the passage or
6 defeat of a public question, **【legislation, or regulation,】** taking into
7 account whether the communication involved mentions a candidate,
8 a political party, or a challenger to a candidate, or takes a position
9 on a candidate’s character, qualifications, or fitness for office, or
10 that can be interpreted by a reasonable person as taking a position
11 on the merits of a public question **【, legislation, or regulation,】** or
12 taking a position in favor or against the passage or defeat of a
13 public question **【, legislation, or regulation】**.
14 (cf: P.L.2019, c.124, s.1)
15

16 2. Section 8 of P.L.1973, c.83 (C.19:44A-8) is amended to read
17 as follows:

18 8. a. (1) Each political committee shall make a full cumulative
19 report, upon a form prescribed by the Election Law Enforcement
20 Commission, of all contributions in the form of moneys, loans, paid
21 personal services, or other things of value made to it and all
22 expenditures made, incurred, or authorized by it in furtherance of
23 the nomination, election, or defeat of any candidate, or in aid of the
24 passage or defeat of any public question, or to provide political
25 information on any candidate or public question, during the period
26 ending 48 hours preceding the date of the report and beginning on
27 the date on which the first of those contributions was received or
28 the first of those expenditures was made, whichever occurred first.
29 The cumulative report, except as hereinafter provided, shall contain
30 the name and mailing address of each person or group from whom
31 moneys, loans, paid personal services or other things of value have
32 been contributed since 48 hours preceding the date on which the
33 previous such report was made and the amount contributed by each
34 person or group, and where the contributor is an individual, the
35 report shall indicate the occupation of the individual and the name
36 and mailing address of the individual's employer. In the case of any
37 loan reported pursuant to this subsection, the report shall contain
38 the name and mailing address of each person who has cosigned such
39 loan since 48 hours preceding the date on which the previous such
40 report was made, and where an individual has cosigned such loans,
41 the report shall indicate the occupation of the individual and the
42 name and mailing address of the individual's employer. The
43 cumulative report shall also contain the name and address of each
44 person, firm or organization to whom expenditures have been paid
45 since 48 hours preceding the date on which the previous such report
46 was made and the amount and purpose of each such expenditure.
47 The cumulative report shall be filed with the Election Law

1 Enforcement Commission on the dates designated in section 16
2 hereof.

3 The campaign treasurer of the political committee reporting shall
4 certify to the correctness of each report.

5 Each campaign treasurer of a political committee shall file
6 written notice with the commission of a contribution in excess of
7 \$500 received during the period between the 13th day prior to the
8 election and the date of the election, and of an expenditure of
9 money or other thing of value in excess of \$500 made, incurred or
10 authorized by the political committee to support or defeat a
11 candidate in an election, or to aid the passage or defeat of any
12 public question, during the period between the 13th day prior to the
13 election and the date of the election. The notice of a contribution
14 shall be filed in writing or by electronic transmission within 48
15 hours of the receipt of the contribution and shall set forth the
16 amount and date of the contribution, the name and mailing address
17 of the contributor, and where the contributor is an individual, the
18 individual's occupation and the name and mailing address of the
19 individual's employer. The notice of an expenditure shall be filed
20 in writing or by electronic transmission within 48 hours of the
21 making, incurring or authorization of the expenditure and shall set
22 forth the name and mailing address of the person, firm or
23 organization to whom or which the expenditure was paid and the
24 amount and purpose of the expenditure.

25 (2) When a political committee or an individual seeking party
26 office makes or authorizes an expenditure on behalf of a candidate,
27 it shall provide immediate written notification to the candidate of
28 the expenditure.

29 b. (1) A group of two or more persons acting jointly, or any
30 corporation, partnership, or any other incorporated or
31 unincorporated association including a political club, political
32 action committee, civic association or other organization, which in
33 any calendar year contributes or expects to contribute at least
34 \$2,500.00 to the aid or promotion of the candidacy of an individual,
35 or of the candidacies of individuals, for elective public office or the
36 passage or defeat of a public question or public questions and which
37 expects to make contributions toward such aid or promotion, or
38 toward such passage or defeat, during a subsequent election shall
39 certify that fact to the commission, and the commission, upon
40 receiving that certification and on the basis of any information as it
41 may require of the group, corporation, partnership, association or
42 other organization, shall determine whether the group, corporation,
43 partnership, association or other organization is a continuing
44 political committee for the purposes of this act. If the commission
45 determines that the group, corporation, partnership, association or
46 other organization is a continuing political committee, it shall so
47 notify that continuing political committee.

1 No person serving as the chairman of a political party committee
2 or a legislative leadership committee shall be eligible to be
3 appointed or to serve as the chairman of a continuing political
4 committee.

5 (2) A continuing political committee shall file with the Election
6 Law Enforcement Commission, not later than April 15, July 15,
7 October 15 and January 15 of each calendar year, a cumulative
8 quarterly report of all moneys, loans, paid personal services or other
9 things of value contributed to it during the period ending on the
10 15th day preceding that date and commencing on January 1 of that
11 calendar year or, in the case of the cumulative quarterly report to be
12 filed not later than January 15, of the previous calendar year, and all
13 expenditures made, incurred, or authorized by it during the period,
14 whether or not such expenditures were made, incurred or authorized
15 in furtherance of the election or defeat of any candidate, or in aid of
16 the passage or defeat of any public question or to provide
17 information on any candidate or public question.

18 The cumulative quarterly report shall contain the name and
19 mailing address of each person or group from whom moneys, loans,
20 paid personal services or other things of value have been
21 contributed and the amount contributed by each person or group,
22 and where an individual has made such contributions, the report
23 shall indicate the occupation of the individual and the name and
24 mailing address of the individual's employer. In the case of any
25 loan reported pursuant to this subsection, the report shall contain
26 the name and address of each person who cosigns such loan, and
27 where an individual has cosigned such loans, the report shall
28 indicate the occupation of the individual and the name and mailing
29 address of the individual's employer. The report shall also contain
30 the name and address of each person, firm or organization to whom
31 expenditures have been paid and the amount and purpose of each
32 such expenditure. The treasurer of the continuing political
33 committee reporting shall certify to the correctness of each
34 cumulative quarterly report.

35 Each continuing political committee shall provide immediate
36 written notification to each candidate of all expenditures made or
37 authorized on behalf of the candidate.

38 If any continuing political committee submitting cumulative
39 quarterly reports as provided under this subsection receives a
40 contribution from a single source of more than \$500 after the final
41 day of a quarterly reporting period and on or before a primary,
42 general, municipal, school or special election which occurs after
43 that final day but prior to the final day of the next reporting period
44 it shall, in writing or by electronic transmission, report that
45 contribution to the commission within 48 hours of the receipt
46 thereof, including in that report the amount and date of the
47 contribution; the name and mailing address of the contributor; and
48 where the contributor is an individual, the individual's occupation

1 and the name and mailing address of the individual's employer. If
2 any continuing political committee makes or authorizes an
3 expenditure of money or other thing of value in excess of \$500, or
4 incurs any obligation therefor, to support or defeat a candidate in an
5 election, or to aid the passage or defeat of any public question, after
6 March 31 and on or before the day of the primary election, or after
7 September 30 and on or before the day of the general election, it
8 shall, in writing or by electronic transmission, report that
9 expenditure to the commission within 48 hours of the making,
10 authorizing or incurring thereof.

11 A continuing political committee which ceases making
12 contributions toward the aiding or promoting of the candidacy of an
13 individual, or of the candidacies of individuals, for elective public
14 office in this State or the passage or defeat of a public question or
15 public questions in this State shall certify that fact in writing to the
16 commission, and that certification shall be accompanied by a final
17 accounting of any fund relating to such aiding or promoting
18 including the final disposition of any balance in such fund at the
19 time of dissolution. Until that certification has been filed, the
20 committee shall continue to file the quarterly reports as provided
21 under this subsection.

22 c. Each political party committee and each legislative
23 leadership committee shall file with the Election Law Enforcement
24 Commission, not later than April 15, July 15, October 15 and
25 January 15 of each calendar year, a cumulative quarterly report of
26 all moneys, loans, paid personal services or other things of value
27 contributed to it during the period ending on the 15th day preceding
28 that date and commencing on January 1 of that calendar year or, in
29 the case of the cumulative quarterly report to be filed not later than
30 January 15, of the previous calendar year, and all expenditures
31 made, incurred, or authorized by it during the period, whether or not
32 such expenditures were made, incurred or authorized in furtherance
33 of the election or defeat of any candidate, or in aid of the passage or
34 defeat of any public question or to provide information on any
35 candidate or public question.

36 The cumulative quarterly report shall contain the name and
37 mailing address of each person or group from whom moneys, loans,
38 paid personal services or other things of value have been
39 contributed and the amount contributed by each person or group,
40 and where an individual has made such contributions, the report
41 shall indicate the occupation of the individual and the name and
42 mailing address of the individual's employer. In the case of any
43 loan reported pursuant to this subsection, the report shall contain
44 the name and address of each person who cosigns such loan, and
45 where an individual has cosigned such loans, the report shall
46 indicate the occupation of the individual and the name and mailing
47 address of the individual's employer. The report shall also contain
48 the name and address of each person, firm or organization to whom

1 expenditures have been paid and the amount and purpose of each
2 such expenditure. The treasurer of the political party committee or
3 legislative leadership committee reporting shall certify to the
4 correctness of each cumulative quarterly report.

5 d. **[(1)]** Each independent expenditure committee shall file
6 with the Election Law Enforcement Commission, not later than
7 April 15, July 15, October 15 and January 15 of each calendar year,
8 a cumulative quarterly report, upon a form prescribed by the
9 Election Law Enforcement Commission, of all contributions
10 received in excess of \$10,000 in the form of moneys, loans, paid
11 personal services, or other things of value made to it during the
12 period ending on the 15th day preceding that date and commencing
13 on January 1 of that calendar year or, in the case of the cumulative
14 quarterly report to be filed not later than January 15, of the previous
15 calendar year, and of all independent expenditures in excess of
16 \$3,000 made, incurred, or authorized by it during the period,
17 provided that if the committee makes any electioneering
18 communication, the committee shall also include in its report all
19 expenditures in excess of \$3,000 made, incurred, or authorized by it
20 in influencing or attempting to influence the outcome of any
21 election or the nomination, election, or defeat of any person to State
22 or local elective public office or the passage or defeat of any public
23 question, [legislation, or regulation,] or in providing political
24 information on any candidate or public question, [legislation, or
25 regulation, during the period ending 48 hours preceding the date of
26 the report and beginning on the date on which the first of those
27 contributions was received or the first of those expenditures was
28 made, whichever occurred first] , including, but not limited to, for
29 electioneering communications, voter registration, get-out-the-vote
30 efforts, polling, and research. The cumulative quarterly report,
31 except as hereinafter provided, shall contain the name and mailing
32 address of each person or group from whom moneys, loans, paid
33 personal services or other things of value have been contributed
34 **[since 48 hours preceding the date on which such previous report**
35 **was made]** and the amount contributed by each person or group in
36 excess of \$10,000, and when the contributor is an individual, the
37 report shall indicate the occupation of the individual and the name
38 and mailing address of the individual's employer. In the case of any
39 loan reported pursuant to this subsection, the report shall contain
40 the name and mailing address of each person who has cosigned such
41 loan **[since 48 hours preceding the date on which the previous such**
42 **report was made]**, and when an individual has cosigned such loans,
43 the report shall indicate the occupation of the individual and the
44 name and mailing address of the individual's employer. The
45 cumulative quarterly report shall also contain the name and address
46 of each person, firm, or organization to whom expenditures have
47 been paid **[since 48 hours preceding the date on which the previous**

1 such report was made】 and the amount and purpose of each such
2 expenditure.

3 【(2) An independent expenditure committee shall disclose all
4 expenditures made by it in excess of \$3,000, including, but not
5 limited to, for electioneering communications, voter registration,
6 get-out-the-vote efforts, polling, and research. The disclosures
7 required by this paragraph shall be reported to the Election Law
8 Enforcement Commission on the same schedule as required for
9 continuing political committees pursuant to this section.】

10 The treasurer of the reporting independent expenditure
11 committee shall certify the correctness of each report and shall
12 maintain all records of contributions and expenditures for a period
13 of not less than four years.

14 The \$10,000 contribution amount and the \$3,000 expenditure
15 amount established in this subsection shall remain as stated in this
16 subsection without further adjustment by the commission pursuant
17 to section 22 of P.L.1993, c.65 (C.19:44A-7.2).

18 e. When a political party committee, a legislative leadership
19 committee, or an independent expenditure committee receives a
20 contribution from a single source of more than \$500 in the case of a
21 political party committee or legislative leadership committee, and
22 more than \$10,000 in the case of an independent expenditure
23 committee, after the final day of a quarterly reporting period and on
24 or before a primary, general, municipal, school, or special election
25 which occurs after that final day but prior to the final day of the
26 next reporting period it shall, in writing or by electronic
27 transmission, report that contribution to the commission within 48
28 hours of the receipt thereof, including in that report the amount and
29 date of the contribution; the name and mailing address of the
30 contributor; and where the contributor is an individual, the
31 individual's occupation and the name and mailing address of the
32 individual's employer. When a political party committee,
33 a legislative leadership committee, or an independent expenditure
34 committee makes or authorizes an expenditure of money or other
35 thing of value in excess of \$800 in the case of a political party
36 committee or legislative leadership committee, and in excess of
37 \$3,000 in the case of an independent expenditure committee, or
38 incurs any obligation therefor, to support or defeat a candidate in an
39 election, or to aid the passage or defeat of any public question, 【or
40 to aid the passage or defeat of legislation or regulation in the case of
41 an independent expenditure committee,】 after March 31 and on or
42 before the day of the primary election, or after September 30 and on
43 or before the day of the general election, it shall, in writing or by
44 electronic transmission, report that expenditure to the commission
45 within 48 hours of the making, authorizing or incurring thereof.

46 f. In any report filed pursuant to the provisions of this section
47 the organization or committee reporting may exclude from the

1 report the name of and other information relating to any contributor
2 whose contributions during the period covered by the report did not
3 exceed \$300, or in excess of \$10,000 in the case of an independent
4 expenditure committee; provided, however, that (1) such exclusion
5 is unlawful if any person responsible for the preparation or filing of
6 the report knew that it was made with respect to any person whose
7 contributions relating to the same election or issue and made to the
8 reporting organization or committee aggregate, in combination with
9 the contribution in respect of which such exclusion is made, more
10 than \$300 , or in excess of \$10,000 in the case of an independent
11 expenditure committee, and (2) any person who knowingly
12 prepares, assists in preparing, files or acquiesces in the filing of any
13 report from which the identification of a contributor has been
14 excluded contrary to the provisions of this section is subject to the
15 provisions of section 21 of P.L.1973, c.83 (C.19:44A-21), but (3)
16 nothing in this proviso shall be construed as requiring any
17 committee or organization reporting pursuant to this act to report
18 the amounts, dates or other circumstantial data regarding
19 contributions made to any other organization or political committee,
20 political party committee or campaign organization of a candidate.

21 g. Any report filed pursuant to the provisions of this section
22 shall include an itemized accounting of all receipts and
23 expenditures relative to any testimonial affairs held since the date
24 of the most recent report filed, which accounting shall include the
25 name and mailing address of each contributor in excess of \$300 to
26 such testimonial affair , or in the case of an independent
27 expenditure committee in excess of \$10,000, and the amount
28 contributed by each; in the case of an individual contributor, the
29 occupation of the individual and the name and mailing address of
30 the individual's employer; the expenses incurred; and the
31 disposition of the proceeds of such testimonial affair.

32 The \$300 limit and \$10,000 limit established in this subsection
33 shall remain as stated in this subsection without further adjustment
34 by the commission in the manner prescribed by section 22 of
35 P.L.1993, c.65 (C.19:44A-7.2).

36 (cf: P.L.2019, c.124, s.2)

37

38 3. Section 21 of P.L.1993, c.65 (C.19:44A-8.1) is amended to
39 read as follows:

40 21. a. Each political committee, as defined in subsection i. of
41 section 3 of P.L.1973, c.83 (C.19:44A-3), which aids or promotes
42 the nomination for election or the election of a candidate or the
43 passage or defeat of a public question, each independent
44 expenditure committee, as defined in subsection t. of section 3 of
45 P.L.1973, c.83 (C.19:44A-3), each continuing political committee
46 as defined in subsection n. of section 3 of P.L.1973, c.83, and each
47 legislative leadership committee as defined in subsection s. of

1 section 3 of P.L.1973, c.83, shall submit to the commission a
2 statement of registration which includes:

3 (1) the complete name or identifying title of the committee and
4 the general category of entity or entities, including but not limited
5 to business organizations, labor organizations, professional or trade
6 associations, candidate for or holder of public office, political party,
7 ideological grouping or civic association, the interests of which are
8 shared by the leadership, members, or financial supporters of the
9 committee;

10 (2) the mailing address of the committee and the name and
11 resident address of a resident of this State who shall have been
12 designated by the committee as its agent to accept service of
13 process; and

14 (3) a descriptive statement prepared by the organizers or officers
15 of the committee that identifies (a) the names and mailing addresses
16 of the persons having control over the affairs of the committee,
17 including but not limited to persons in whose name or at whose
18 direction or suggestion the committee solicits funds, and persons
19 participating in any decision to make a contribution of such funds to
20 any candidate, political committee or continuing political
21 committee and, in the case of an independent expenditure
22 committee, any decision to expend funds for the purpose of
23 influencing or attempting to influence the outcome of any election
24 or the nomination, election, or defeat of any person to State or local
25 elective public office or the passage or defeat of any public
26 question, **【legislation, or regulation,】** or in providing political
27 information on any candidate or public question **【, legislation, or**
28 **regulation】**; (b) the name and mailing address of any person not
29 included among the persons identified under subparagraph (a) of
30 this paragraph who, directly or through an agent, participated in the
31 initial organization of the committee; (c) in the case of any person
32 identified under subparagraph (a) or subparagraph (b) who is an
33 individual, the occupation of that individual, the individual's home
34 address, and the name and mailing address of the individual's
35 employer, or, in the case of any such person which is a corporation,
36 partnership, unincorporated association, or other organization, the
37 name and mailing address of the organization; and (d) any other
38 information which the Election Law Enforcement Commission may,
39 under such regulations as it shall adopt pursuant to the provisions of
40 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
41 seq.), require as being material to the fullest possible disclosure of
42 the economic, political and other particular interests and objectives
43 which the committee has been organized to or does advance. The
44 commission shall be informed, in writing, of any change in the
45 information required by this paragraph within three days of the
46 occurrence of the change. Legislative leadership committees shall
47 be exempt from the requirements of subparagraphs (a), (b) and (c)
48 of this paragraph.

1 b. After submission of a statement of registration to the
2 commission pursuant to this section, the committee shall use the
3 complete name or identifying title on all documents submitted to
4 the commission, in all solicitations for contributions, in all paid
5 media advertisements purchased or paid for by the committee in
6 support of or in opposition to any candidate or public question, and
7 in all contributions made by the committee to candidates or other
8 committees and, in the case of an independent expenditure
9 committee, any decision to expend funds for the purpose of
10 influencing or attempting to influence the outcome of any election
11 or the selection, nomination, election, or defeat of any person to
12 State or local elective public office or the passage or defeat of any
13 public question, [legislation, or regulation,] or in providing political
14 information on any candidate or public question [, legislation, or
15 regulation].

16 c. Each report of contributions under section 8 of P.L.1973,
17 c.83 (C.19:44A-8) by a political committee, a continuing political
18 committee, an independent expenditure committee, or a legislative
19 leadership committee required under subsection a. of this section to
20 submit a statement of registration shall include, in the case of each
21 contributor who is an individual, the home address of the individual
22 if different from the individual's mailing address, or, in the case of
23 any contributor which is an organization, any information, in
24 addition to that otherwise required, which the Election Law
25 Enforcement Commission may, under such regulations as it shall
26 adopt pursuant to the provisions of the "Administrative Procedure
27 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), require as being
28 material to the fullest possible disclosure of the economic, political
29 and other particular interests and objectives which the contributing
30 organization has been organized to or does advance.

31 d. Any political committee, continuing political committee,
32 independent expenditure committee, or legislative leadership
33 committee may at any time apply to the commission for approval of
34 an abbreviation or acronym of its complete, official name or title for
35 its exclusive use on documents which it shall submit to the
36 commission. Upon verification that the abbreviation or acronym
37 has not been approved for such use by any other political
38 committee, continuing political committee, independent expenditure
39 committee, or legislative leadership committee, the commission
40 shall approve the abbreviation or acronym for such use by the
41 applicant committee, and the committee, and any individual,
42 corporation, partnership, membership organization or incorporated
43 or unincorporated association which, under the provisions of
44 P.L.1973, c.83 (C.19:44A-1 et al.), submits any documents to the
45 commission containing a reference to that committee, shall
46 thereafter use that approved abbreviation or acronym in documents
47 submitted to the commission. The commission shall, during its
48 regular office hours, maintain for public inspection in its offices a

1 current alphabetically arranged list of all such approved
2 abbreviations and acronyms, indicating for each the name of the
3 committee for which it stands, and shall make copies of the list
4 available upon request.

5 e. No foreign national, government, instrumentality, or agent may
6 register as an independent expenditure committee for the purpose of
7 making **independent** expenditures in any State or local election.
8 (cf: P.L.2019, c.124, s.3)

9
10 4. Section 10 of P.L.1973, c.83 (C.19:44A-10) is amended to
11 read as follows:

12 10. Each political party committee shall, on or before July 1 in
13 each year, designate a single organizational treasurer and an
14 organizational depository and shall, not later than the tenth day after
15 the designation of the organizational depository file the name and
16 address of that depository, and of the organizational treasurer, with
17 the Election Law Enforcement Commission.

18 Every political committee may designate a chairman of the
19 committee, but no person serving as the chairman of a political
20 party committee or a legislative leadership committee shall be
21 eligible to be appointed or to serve as the chairman of a political
22 committee. Every political committee shall, not later than the date
23 on which it first receives any contribution or makes or incurs any
24 expenditure in the furtherance or aid of the election or defeat of any
25 candidate or the passage or defeat of any public question, appoint a
26 single campaign treasurer and designate a campaign depository, but
27 no person serving as the chairman of a political party committee or
28 a legislative leadership committee shall be eligible to be appointed
29 or to serve as the campaign treasurer of a political committee. Not
30 later than the tenth day after the initial designation of the campaign
31 depository, the committee shall file the name and address of the
32 depository, and of the campaign treasurer, with the Election Law
33 Enforcement Commission.

34 Every independent expenditure committee may designate a
35 chairman of the committee, but no person serving as the chairman
36 of a political party committee or a legislative leadership committee
37 shall be eligible to be appointed or to serve as the chairman of an
38 independent expenditure committee. No candidate or holder of
39 public office, directly or indirectly, shall establish, authorize the
40 establishment of, maintain, or participate in the management or
41 control of any independent expenditure committee. Every
42 independent expenditure committee, not later than the date on
43 which it first receives any contribution or makes or incurs any
44 expenditure for the purpose of influencing or attempting to
45 influence the outcome of any election or the nomination, election,
46 or defeat of any person to State or local elective public office or the
47 passage or defeat of any public question **],** legislation, or
48 regulation,**]** or providing political information on any candidate or

1 public question, [legislation, or regulation,] shall appoint a single
2 organizational treasurer and designate an organizational depository,
3 but no person serving as the chairman of a political party committee
4 or a legislative leadership committee shall be eligible to be
5 appointed or to serve as the organizational treasurer of an
6 independent expenditure committee. Not later than the 10th day
7 after the initial designation of the organizational depository, the
8 committee shall file the name and address of the depository, and of
9 the organizational treasurer, with the Election Law Enforcement
10 Commission.

11 Every continuing political committee shall, not later than the
12 date on which it first receives any contribution or makes or incurs
13 any expenditure in the furtherance or aid of the election or defeat of
14 any candidate or the passage or defeat of any public question,
15 appoint a single organizational treasurer and designate an
16 organizational depository, provided that no person who is the
17 chairman of a political party committee or a legislative leadership
18 committee shall be eligible to be appointed or to serve as the
19 organizational treasurer of a continuing political committee. Not
20 later than the tenth day after the initial designation of the
21 organizational depository, the committee shall file the name and
22 address of the depository, and of the organizational treasurer, with
23 the Election Law Enforcement Commission.

24 Every legislative leadership committee shall, not later than the
25 date on which it first receives any contribution or makes or incurs
26 any expenditure in the furtherance or aid of the election or defeat of
27 any candidate or the passage or defeat of any public question,
28 appoint a single organizational treasurer and designate an
29 organizational depository. Not later than the tenth day after the
30 initial designation of the organizational depository, the committee
31 shall file the name and address of the depository, and of the
32 organizational treasurer, with the Election Law Enforcement
33 Commission.

34 Each organizational treasurer of a State political party committee
35 or a legislative leadership committee shall be a trained treasurer,
36 pursuant to subsection g. of section 6 of P.L.1973, c.83 (C.19:44A-
37 6), or shall acquire such training within 90 days of appointment as
38 an organizational treasurer. An organizational treasurer of any
39 other political party committee or a continuing political committee
40 or an independent expenditure committee and a campaign treasurer
41 of a political committee may be a trained treasurer.

42 An organizational treasurer of a political party committee, a
43 continuing political committee, an independent expenditure
44 committee, or a legislative leadership committee and a campaign
45 treasurer of a political committee may appoint deputy
46 organizational or campaign treasurers as may be required and may
47 designate additional organizational or campaign depositories. Such
48 committees shall file the names and addresses of such deputy

1 treasurers and additional depositories with the Election Law
2 Enforcement Commission not later than the fifth day after their
3 appointment or designation, respectively.

4 Any political party committee, any political committee, any
5 independent expenditure committee, any continuing political
6 committee, and any legislative leadership committee may remove
7 its organizational or campaign treasurer or deputy treasurer. In the
8 case of the death, resignation or removal of its organizational or
9 campaign treasurer, the committee shall appoint a successor as soon
10 as practicable and shall file his name and address with the Election
11 Law Enforcement Commission within three days.
12 (cf: P.L.2019, c.124, s.4)

13

14 5. Section 11 of P.L.1973, c.83 (C.19:44A-11) is amended to
15 read as follows:

16 11. No contribution of money or other thing of value, nor
17 obligation therefor, including but not limited to contributions, loans
18 or obligations of a candidate himself or of his family, shall be made
19 or received, and no expenditure of money or other thing of value,
20 nor obligation therefor, including expenditures, loans or obligations
21 of a candidate himself or of his family, shall be made or incurred,
22 directly or indirectly, to support or defeat a candidate in any
23 election, or to aid the passage or defeat of any public question, [or
24 to aid the passage or defeat of legislation or regulation in the case of an
25 independent expenditure committee,] except through:

26 a. The duly appointed campaign treasurer or deputy campaign
27 treasurers of the candidate committee or joint candidates
28 committee;

29 b. The duly appointed organizational treasurer or deputy
30 organizational treasurers of a political party committee or a
31 continuing political committee;

32 c. The duly appointed campaign treasurer or deputy campaign
33 treasurers of a political committee;

34 d. The duly appointed organizational treasurer or deputy
35 organizational treasurer of a legislative leadership committee; or

36 e. The duly appointed organizational treasurer or deputy
37 organizational treasurer of an independent expenditure committee.

38 It shall be lawful, however, for any person, not acting in concert
39 with any other person or group, to expend personally from his own
40 funds a sum which is not to be repaid to him for any purpose not
41 prohibited by law, or to contribute his own personal services and
42 personal traveling expenses, to support or defeat a candidate or to
43 aid the passage or defeat of a public question; provided, however,
44 that any person making such expenditure shall be required to report
45 his or her name and mailing address and the amount of all such
46 expenditures and expenses, except personal traveling expenses, if
47 the total of the money so expended, exclusive of such traveling
48 expenses, exceeds \$500, and also, where the person is an individual,

1 to report the individual's occupation and the name and mailing
2 address of the individual's employer, to the Election Law
3 Enforcement Commission at the same time and in the same manner
4 as a political committee subject to the provisions of section 8 of
5 P.L.1973, c.83 (C.19:44A-8). Such expenditure made during the
6 period between the 13th day prior to the election and the date of the
7 election shall be filed in writing or by telegram within 48 hours of
8 the making, incurring or authorization of the expenditure and shall
9 set forth the name and mailing address of the person, firm or
10 organization to whom or which the expenditure was paid and the
11 amount and purpose of the expenditure.

12 No contribution of money shall be made in currency, except
13 contributions in response to a public solicitation, provided that
14 cumulative currency contributions of up to \$200 may be made to a
15 candidate committee or joint candidates committee, a political
16 committee, a continuing political committee, an independent
17 expenditure committee, a legislative leadership committee or a
18 political party committee if the contributor submits with the
19 currency contribution a written statement of a form as prescribed by
20 the commission, indicating the contributor's name, mailing address
21 and occupation and the amount of the contribution, including the
22 contributor's signature and the name and mailing address of the
23 contributor's employer. Adjustments to the \$200 limit established in
24 this paragraph which have been made by the Election Law
25 Enforcement Commission, pursuant to section 22 of P.L.1993, c.65
26 (C.19:44A-7.2), prior to the effective date of P.L.2004, c.28 are
27 rescinded. The \$200 limit established in this paragraph shall remain
28 as stated in this paragraph without further adjustment by the
29 commission in the manner prescribed by section 22 of P.L.1993,
30 c.65 (C.19:44A-7.2).

31 Any anonymous contribution received by a campaign treasurer
32 or deputy campaign treasurer shall not be used or expended, but
33 shall be returned to the donor, if his identity is known, and if no
34 donor is found, the contribution shall escheat to the State.

35 No person, partnership or association, either directly or through
36 an agent, shall make any loan or advance, the proceeds of which
37 that person, partnership or association knows or has reason to know
38 or believe are intended to be used by the recipient thereof to make a
39 contribution or expenditure, except by check or money order
40 identifying the name, mailing address and occupation or business of
41 the maker of the loan, and, if the maker is an individual, the name
42 and mailing address of that individual's employer; provided,
43 however, that such loans or advances to a single individual, up to a
44 cumulative amount of \$50 in any calendar year, may be made in
45 currency.

46 (cf: P.L.2019, c.124, s.5)

1 6. Section 2 of P.L.1995, c.391 (C.19:44A-22.3) is amended to
2 read as follows:

3 2. a. Whenever a candidate committee, a joint candidates
4 committee, a political committee, a continuing political committee, an
5 independent expenditure committee, a political party committee or a
6 legislative leadership committee, or any group other than such a
7 committee, or any person makes, incurs or authorizes an expenditure
8 for the purpose of financing a communication aiding or promoting the
9 nomination, election or defeat of any candidate or providing political
10 information on any candidate which is an expenditure that the
11 committee, group or person is required to report to the Election Law
12 Enforcement Commission pursuant to P.L.1973, c.83 (C.19:44A-1 et
13 seq.), the communication shall clearly state the name and business or
14 residence address of the committee, group or person, as that
15 information appears on reports filed with the commission, and that the
16 communication has been financed by that committee, group or person.

17 b. Whenever a candidate committee, a joint candidates
18 committee, a political committee, a continuing political committee, an
19 independent expenditure committee, a political party committee or a
20 legislative leadership committee, or any group other than such a
21 committee, or any person makes, incurs or authorizes an expenditure
22 for the purpose of financing a communication aiding the passage or
23 defeat of any public question or providing political information on any
24 public question **],** or aiding the passage or defeat of legislation or
25 regulation in the case of an independent expenditure committee,**]**
26 which is an expenditure that the committee, group or person is
27 required to report to the Election Law Enforcement Commission
28 pursuant to P.L.1973, c.83 (C.19:44A-1 et seq.), the communication
29 shall clearly state the name and business or residence address of the
30 committee, group or person, as that information appears on reports
31 filed with the commission, and that the communication has been
32 financed by that committee, group or person.

33 c. A communication that is financed by an independent
34 expenditure committee or by any person, not acting in concert with a
35 candidate or any person or committee acting on behalf of a candidate,
36 shall contain a clear and conspicuous statement that the expenditure
37 was not made with the cooperation or prior consent of, or in
38 consultation with or at the request or suggestion of, any such
39 candidate, person or committee.

40 d. Any person who accepts compensation from a committee,
41 group or individual described in subsection a. or b. of this section for
42 the purpose of printing, broadcasting, or otherwise disseminating to
43 the electorate a communication shall require the committee, group, or
44 individual to file a copy of the statement of registration required to be
45 filed with the Election Law Enforcement Commission pursuant to
46 section 21 of P.L.1993, c.65 (C.19:44A-8.1) and shall maintain a
47 record of the transaction which shall include an exact copy of the
48 communication and a statement of the number of copies made or the

1 dates and times that the communication was broadcast or otherwise
2 transmitted, and the name and address of the committee, group or
3 individual paying for the communication. The record shall be
4 maintained on file at the principal office of the person accepting the
5 communication for at least two years and shall be available for public
6 inspection during normal business hours.

7 e. As used in this section, "communication" means a press
8 release, pamphlet, flyer, form letter, sign, billboard, paid advertisement
9 printed in any newspaper or other publication or broadcast on radio or
10 television, or telephone call featuring a recorded message, or any other
11 form of advertising, including Internet and digital advertising,
12 directed to the electorate.

13 f. The provisions of this section shall not be construed to apply to
14 any bona fide news item or editorial contained in any publication of
15 bona fide general circulation.

16 g. (1) A person who violates a provision of this section shall be
17 subject to the civil penalties provided in section 22 of P.L.1973, c.83
18 (C.19:44A-22).

19 (2) A person who, with intent to injure anyone or to conceal
20 wrongdoing, purposely falsifies, conceals or misrepresents information
21 required by this section to be disclosed or maintained on file is guilty
22 of a crime of the fourth degree.

23 h. The Election Law Enforcement Commission shall promulgate
24 rules and regulations pursuant to the "Administrative Procedure Act,"
25 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purpose of this
26 section. The commission may, by regulation, exempt from the
27 provisions of this section small, tangible items of de minimis value
28 which are commonly used in campaigns to convey a political message,
29 including, but not limited to, buttons, combs, and nail files. The
30 commission may also, by regulation, exempt from the provisions of
31 this section advertising space purchased by a candidate committee,
32 joint candidates committee, political committee, continuing political
33 committee, political party committee, legislative leadership committee
34 or other person, in a political program book distributed at a fund-
35 raising event if the financial transaction is otherwise subject to
36 disclosure. An exemption granted by the commission with respect to
37 any item shall not relieve the committee, group or individual making
38 an expenditure therefor from any applicable campaign finance
39 reporting requirements.

40 In addition, the commission shall have the authority to provide, by
41 regulation, that a communication need not include the address of the
42 committee, group or person financing the communication in
43 circumstances where the name of a committee, group or person would
44 be sufficient to identify it from the commission's records.

45 (cf: P.L.2019, c.124, s.10)

46
47 7. This act shall take effect on the first date, following
48 enactment, that occurs after July 16, 2019 by which a quarterly

1 report would be required to be filed pursuant to subsection d. of
2 section 8 of P.L.1973, c.83 (C.19:44A-8), but the first such report
3 shall not be required to be filed until the next quarterly report filing
4 deadline thereafter as specified in that subsection and shall include
5 only those reportable items which occur after the effective date of
6 this act.

7
8
9 STATEMENT

10
11 This bill makes various changes to reporting requirements for
12 independent expenditure committees.

13 The bill clarifies that independent expenditure committees will
14 report on the same schedule as continuing political committees. The
15 bill also modifies how expenditures will be reported. Independent
16 expenditures, which are made to expressly advocate for or against a
17 candidate or a public question, over \$3,000 will be reported in each
18 quarterly report. If the committee makes any electioneering
19 communication—which the bill defines as a communication valued
20 at over \$3,000 in the aggregate during any calendar year that refers
21 to a candidate or a public question and is made within the 60 days
22 before an election, and can be received by at least 10 percent of the
23 electorate—then all expenditures over \$3,000 made for the purpose
24 of influencing or providing political information on the outcome of
25 any election or public question will be reported.

26 Under current law, an independent expenditure means an
27 expenditure expressly advocating the election or defeat of a clearly
28 identified candidate or a public question, legislation, or regulation.
29 The bill removes attempting to influence legislation and regulations
30 as activity for which contributions and expenditures would have to
31 be reported. The bill also modifies the definition of independent
32 expenditure committee to reflect committees that are restricted by
33 law or regulation with regard to the coordination of its activities
34 with any candidate or political party.

35 The bill also modifies the definition of electioneering
36 communication. Currently, an electioneering communication is a
37 communication made within the period beginning on January 1 of
38 an election year and the date of the election and refers to a
39 candidate or a public question, regardless of whether it expressly
40 advocates for or against a candidate or public question. The bill
41 revises that definition to mean a communication for which the
42 direct costs of producing and disseminating exceed \$3,000 in the
43 aggregate during any calendar year, that refers to a clearly
44 identified candidate or a public question and is made within 60 days
45 before the primary, general, municipal, school, or special election,
46 and that can be received by at least 10 percent of the electorate the
47 candidate seeks to represent or the electorate responsible for
48 deciding the public question, regardless of whether the

1 communication expressly advocates for or against the candidate or
2 public question. The bill excludes certain communications in news
3 stories or editorials, communications in a candidate debate, and
4 communications by an organization exclusively to its members,
5 stockholders, or executive or administrative personnel.

6 The bill raises the threshold for reporting certain contributions to
7 the Election Law Enforcement Commission (ELEC) within 48
8 hours of receipt when those contributions are received on or before
9 a primary, general, municipal, school, or special election that occurs
10 between the last day of a quarterly reporting period and the last day
11 of the next reporting period. Currently, while contributions to
12 independent expenditure committees are reportable when they
13 exceed \$10,000, contributions during this time period are reportable
14 when they exceed \$500. The bill would change this amount to
15 match the current contribution threshold of over \$10,000, requiring
16 that such contributions be reported to ELEC within 48 hours when
17 received during that time. The bill makes the same change with
18 respect to expenditures, changing the \$800 threshold to the \$3,000
19 threshold to which independent expenditure committees are
20 otherwise subject for purposes of reporting.

21 The bill broadens the activity for which a foreign national,
22 government, or agent is prohibited from registering as an
23 independent expenditure committee to include making any
24 expenditure in any State or local election, rather than only an
25 independent expenditure.

26 The bill lowers, from \$5,500 to \$2,500, the contributions
27 threshold for a group to qualify as a continuing political committee
28 to match the threshold for requiring that group to certify to ELEC
29 that the committee expects to contribute that amount concerning
30 election related activity. The bill also revises, in subsections f. and
31 g. in section 2 of the bill, a provision of law that permits the
32 exclusion of contributions below a reportable amount to match the
33 threshold currently applicable to independent expenditure
34 committees for those groups.